

Historic Area Commission Special Meeting

Minutes of the January 8, 2009 special meeting of the Historical Area Commission (HAC) held in the New Castle Town Hall at 2nd & Delaware Streets, New Castle, Delaware.

Present at roll call were:

Mrs. Sally Monigle, Chairman

Mr. William Hentkowski

Mr. David Bird

Ms. Robin Hegvik

Mr. Douglas S. Heckrotte

Mrs. Deborah Turner, Stenographer

Mrs. Monigle called the special meeting of the Historic Area Commission for the City of New Castle to order at 5:10 p.m. and roll call was taken.

OLD APPLICATIONS:

F. Dressler, 137 East 2nd Street

Mr. Sean Tucker, counsel representing Dr. and Mrs. Dressler, and Mr. Scott Tease, Head Surveyor at McBride and Ziegler, presented to the Commission.

As a matter of housekeeping, Mr. Tucker stated that his client had indicated to him his feeling that a member of this board should reclude themselves from this matter. The basis for this request is that the member spoke at a Board of Adjustment hearing in favor of the appeal opposing the plan that was subsequently approved. At that hearing the Board of Adjustment affirmed this Board's approval. (*Discussion followed between Messrs. Bird and Tucker.*)

Mr. Bird identified himself as the Commission member referred to and said he can be objective during this hearing. The issue is whether or not Mr. Dressler is in accordance with what this Board approved. He would like to reserve his right to abstain when it comes time to vote on this matter.

Mr. Tucker distributed copies of a letter dated 7/8/08 from the HAC identifying seven (7) specific concerns regarding the property raised from a field visit in July 2008. No one was present on behalf of the owner at that time; however, Messrs. Tucker and Tease will address those concerns. Also entered into the record was a copy of the City Code that references HAC's procedural requirements concerning issuing decisions, Section 230-52(c).

Mr. Tucker has reviewed drawings dated 9/30/05 that he received upon request from the City. These plans were the plans approved by HAC.

Discussion:

Issue #1: Window sizes differ from those shown on the plan elevation. Mr. Tease measured some of the windows at the site. He testified that he scaled the windows that appear on the plans and also took measurements of some of the windows and compared the actual dimensions given on the window legend and window sizes. Of the windows they measured the biggest difference was approximately ¼".

Mr. Heckrotte said that HAC's position is that the windows as they appear on the building compared to how they appear on the drawing are different. The three windows on the second floor front are drawn the right size by eye and appear on the building too small. Our photographs support this. The windows that were on the building are larger than the windows that are on the drawing. (*Lengthy discussion followed.*) There is also a 3-page litany that is distributed that must be complied with.

Issue #2: Entry door on Second Street and Plum Alley. There was an agreement reached that the entry door on Second Street was changed to the correct type.

Issue #3: Rear porch posts. The rear porch posts differ from those shown on the plan elevation. Mr. Heckrotte suggested that Mr. Tucker refer to the minutes for HAC's proposed agreement with the posts on the first and second floor and the requirement to fix the railing posts on the third floor. He added that HAC does not like the posts on the first and second floor but have agreed to accept them and requests that the third floor railing be fixed.

(Lengthy discussion followed.)

Item #4: Lattice work. *(Brief discussion.)*

Item #5: Wood trim. *(Brief discussion.)*

Item #6: Install shutters. *(Brief discussion.)*

Item #7: Window casings differ from the litany. Mr. Tease provided his findings of window trim. *(Discussion followed.)* Mr. Heckrotte said that the old house had narrow sills which is being covered up with a wide board. Speaking of the casing, HAC's contention is more about the 5-½" width of the board rather than any other aspect. Visually it is very noticeable. Mr. Tucker offered that one option is to paint. Another option for shutters is they could be mounted in such a way they could reduce the exposure of 5-½" and appear slimmer.

Mr. Heckrotte responded that although we have the right to challenge colors we do not exercise it. The problem is that a future owner could paint the trim another color. Covering the casings, when you install shutters on a Victorian house they typically cover the casings entirely. These shutters are completely on top of the casing. Mrs. Monigle proposed that the windows need to be fixed properly and asked if HAC would forgo the requirement for shutters. HAC is mostly concerned with having the windows built properly according to the guidelines and wants to get the project moving forward. Mr. Tucker proposed a legal document requiring future painting of the house and the surrounding casing be the same color stating that these instruments are very effective. Mrs. Monigle feels that people who wish to sell and buy should not have additional legal restrictions. Mr. Tucker inquired about what specific grade shutter would be suitable. Mr. Heckrotte offered that a balance of white cedar or mahogany or some kind of naturally rot-resistant wood would be best. There are five (5) pairs of shutters on the front of the house. Mrs. Monigle said there could be three options. No compromise, compromise eliminating alley-side shutters or not requiring any shutters. The trim needs to be fixed on the front. *(Discussion followed.)*

Action:

Issue #1: Mr. Heckrotte moved that the HAC is now content with all windows on this building, except the three second-floor front windows and that they be changed out to match the two first-floor windows. Ms. Hegvik seconded the motion.

Roll call vote: Mr. Hentkowski: Yes

Mr. Bird: Abstained. He noted that he has not commented on any items in an effort to avoid an issue.

Ms. Hegvik: Yes

Mrs. Monigle: Yes

Mr. Heckrotte: Yes. This motion is a clarification of the motion of Item #1 on 8/21/08.

Disposition: Motion carries with one abstention.

Action:

Issue #2: No motion necessary.

Action:

Issue #3: Mr. Heckrotte noted that no motion is necessary. We are in agreement with what was said previously.

Action:

Issue #4: The subject of lattice stands and no motion is necessary.

Action:

Issue #5: The subject of wood trim stands and no motion is necessary.

Action:

Issue #6: Mr. Heckrotte made a motion that we are willing to forego the requirement for shutters on the side and/or on the front presuming other things that we will speak about in Item #7 come to fruition. Ms. Hegvik seconded the motion.

Roll call vote: Mrs. Monigle: Yes

Ms. Hegvik: Yes

Mr. Hentkowski: Yes

Mr. Bird: Abstained. He noted that he has not commented on any items in an effort to avoid an issue.

Mr. Heckrotte: Yes. Noting that this is provisional on what happens to the building in Item #7.

Disposition: Motion carries with one abstention.

Action:

Issue #7: Mr. Heckrotte made a motion that we uphold our previous decision on Item #7 but we will not require shutters on the building. Mr. Hentkowski wants to include adjusting the sills to be the proper size of 6". There was no opposition to the amendment. Mr. Hentkowski seconded the motion as amended.

Before a roll call vote was called the hearing was recessed to Executive Session at 6:44 p.m. to confer with the City Solicitor.

The hearing reconvened at 7:18 p.m.

Roll call vote: Mr. Hentkowski: Yes

Mrs. Monigle: Yes

Ms. Hegvik: Yes

Mr. Bird: Respectfully abstains. He noted that he has not commented on any items in an effort to avoid an issue.

Mr. Heckrotte: Yes

Disposition: Motion carries with one abstention.

Mr. Tucker asked for clarification of which windows are affected. The response was "all" windows.

The hearing adjourned at 7:25 p.m.

The second hearing began at 7:30 p.m.

R. Marini, 101 West 3rd Street

Discussion: Mr. John Tracey, counsel (Young, Stargatt, Conaway and Taylor) and Mr. Todd Breck, Project Engineer, presented on behalf of Ms. Marini. An Application for Plan Reduction and drawings illustrating changes being proposed were distributed to HAC members and members of the audience. Mr. Tracey informed they had received (via fax) a list of the items this body expressed concern with and feel they have addressed those items. Mr. Breck then reviewed the items on the list including basement windows, dormers, elevation, steps, railings, chimney, sloping and floor plans. He answered questions/concerns from HAC members concerning same. A member of the audience requested a copy of the plan stating he feels that the structure is the same as it was before and would like to check all the dimensions. Mr. Heckrotte noted it has been significantly massaged downward. (*Lengthy discussion followed.*)

Action: Mr. Heckrotte made a motion to approve HAC 6 with the amended three pages of elevations for approval in concept of this design. Ms. Hegvik seconded the motion. Mr. Bird asked Mr. Breck to confirm that he will be involved with the project through its entirety and he confirmed that he would be. Mr. Tracey added that they will likely take steps to make sure everyone is in agreement before going forward.

Ms. Hegvik: Yes

Mr. Hentkowski: Yes

Mr. Bird: No. He thinks there has been a good faith effort to try and reduce the bulk but he is still concerned about the fit of it and its location. He voted 'no' because the orientation is not proper for its location.

Mr. Heckrotte: Yes

Mrs. Monigle: Yes

Disposition: Approved by a vote of 3-1.

The next step will be details. Mr. Breck established that as they move through this phase that Mr. Heckrotte will be his contact. Mr. Jeff Bergstrom will be involved as well. Final details must be approved by this body. Mr. Roger Akin, City Solicitor, asked Mr. Tracey if he is at liberty to state whether tonight's vote would impact on the pending Superior Court action. Mr. Tracey suspects it will be deleted. If we could come to an agreement there would be no need for the court proceeding.

The second hearing adjourned at 8:20 p.m.

Respectfully submitted,

Debbie Turner
Stenographer